



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE August 4, 2006 EFFECTIVE DATE August 18, 2006	CONTACT/PHONE Stephanie Fuhs (805) 781-5721	APPLICANT Nick Watry	FILE NO. DRC2005-00178
SUBJECT Hearing to consider proposal by Nick Watry for a Minor Use Permit to allow the construction of a 3,860 square foot single family residence, 672 square foot secondary dwelling and 1,040 square foot attached garage. The project is located in the Residential Rural Land Use Category/Sensitive Resource Area Combining Designation. The Minor Use Permit is required by conditions of approval for Tract 2292. The property is located on Lot 13 of Tract Map 2292, on Paseo de Caballo, west of Highway One, approximately ½ mile west of Stenner Creek Road, west of the City of San Luis Obispo, in the San Luis Obispo Planning Area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2005-00178 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The project was found to be consistent with the Mitigated Negative Declaration prepared for Tract 2292.			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION Sensitive Resource Area	ASSESSOR PARCEL NUMBER 073-333-014	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: 22.108.130(B) - Sensitive Resource Area <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: 22.10.090 - Height Limitation, 22.10.140 - Setbacks <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on August 18, 2006, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Undeveloped			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Public Facilities/California Men's Colony <i>South:</i> City of San Luis Obispo/Grazing <i>East:</i> Agriculture/Grazing <i>West:</i> Agriculture/Grazing			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, CDF, City of San Luis Obispo	
TOPOGRAPHY: Moderately sloping	VEGETATION: Grasses, forbs
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: March 22, 2006

DISCUSSION

The subject property is located in Tract 2292 on Lot 13. This subdivision had conditions of approval for future development including Minor Use Permit approval for each residence.

Other conditions of the subdivision with regard to Minor Use Permit approval include submittal of a landscaping plan, geologic report and a color and materials board. As proposed and conditioned, the residence complies with all of the conditions of Tract 2292.

PLANNING AREA STANDARDS:

22.08.130(B) - Sensitive Resource Area - San Luis Obispo Planning Area standards set forth requirements for construction of new structures in order to minimize grading and locate development in the least visible areas of the site. As proposed, the residence is located on the more level portion of the parcel which will require less grading and minimize visual impacts. Landscape screening has been proposed which will further reduce visual impacts when viewed from Highway One.

LAND USE ORDINANCE STANDARDS:

22.10.090 - Height Limitation – No specific height limitation was placed on Lot 13, so the Land Use Ordinance standard of 35 feet applies. As proposed, the residence is 33 feet, six inches and complies with the standard.

22.10.140 - Setbacks - On any parcel larger than one acre, the setbacks are twenty-five feet in the front, and thirty feet on the sides and rear. As proposed, the project meets this standard.

AGENCY REVIEW:

Public Works – Supports (no specific conditions requested)

CDF – No comments received

City of San Luis Obispo – Responded with “no comment”

LEGAL LOT STATUS:

The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Stephanie Fuhs
and reviewed by Kami Griffin, Supervising Planner

EXHIBIT A - FINDINGS

Environmental Determination

- A. That the Hearing Officer considered and relied on the previously adopted Negative Declaration which is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed residence does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed residence is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Paseo de Caballo, a local road constructed to a level able to handle any additional traffic associated with the project.

Sensitive Resource Area

- G. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because the proposed residence is located on the more level portion of the parcel and has proposed landscaping to reduce visual impacts from Highway One.
- H. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the project is sited in an area which does not impact the existing vegetation and will not require significant grading due to fairly level topography.

Planning Department Hearing
Minor Use Permit DRC2005-00178/Watry
Page 4

- I. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because the area proposed for development is fairly level and does not involve the removal of any trees or significant vegetation.
- J. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because the project has been designed and engineered to minimize runoff to downsloping parcels. Prior to issuance of construction permits, drainage and erosion control plans will be required which will further minimize runoff concerns.

EXHIBIT B - CONDITIONS OF APPROVAL
Watry Minor Use Permit DRC2005-00178

Approved Development

1. This approval authorizes
 - a. the construction of a 3,860 square foot single family residence, 672 square foot secondary dwelling and 1,040 square foot attached garage.
 - b. maximum height is 35 feet from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
4. **At the time of application for construction permits**, the applicant shall submit a letter from the Rancho Caballo Design Review Committee stating that the plans have been reviewed and approved.

Fire Safety

5. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in a Fire Safety Plan prepared by the CDF/County Fire Department for this proposed project.

Services

6. **At the time of application for construction permits**, the applicant shall provide a letter from Rancho Caballo Mutual Water Company stating they are willing and able to service the property.
7. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Geology

8. **At the time of application for construction permits**, the applicant shall submit a Geology report pursuant to Section 22.14.070 of the Land Use Ordinance (Geologic Study Area) to the Department of Planning and Building for review by the County Geologist.

Conditions to be completed prior to issuance of a construction permit

Drainage

9. **Prior to issuance of construction permits**, the applicant shall submit a drainage and erosion control plan for review and approval by the Public Works Department if required by the Building Division.

Fees

10. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Conditions to be completed during construction of the project

Geology

11. **During construction and ground disturbing activities**, the applicant shall implement all of the recommendations included in the engineering geology report as well as any amendments to such report approved by the Department of Planning and Building.

Building Height

12. The maximum height of the project is 35 feet from average natural grade.
 - a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Air Quality

13. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
 - a. All materials excavated or graded for the proposed project shall be sufficiently watered to prevent excessive amounts of dust. Watering should occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day. Increased watering shall be required whenever wind speeds exceed 15 mph.
 - b. All dirt stock pile areas should be sprayed daily as needed.

- c. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

Miscellaneous

14. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before **final building inspection**. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.
15. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
16. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
17. **Prior to final inspection**, the applicant shall implement the approved colorboard.

On-going conditions of approval (valid for the life of the project)

18. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
19. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 3/24/06

From to PW

To FROM: ☒ - South County Team ☐ - North County Team ☒ - Coastal Team

PROJECT DESCRIPTION: File Number: DRG2005-00178 Applicant: Watny
mup -> new 3,860 sq ft. SFR located Pasto de
Caballo on 1.11 acres, in SLO. APN: 073-333-014

Return this letter with your comments attached no later than: 4/10/06

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☒ YES
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

☐ NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Sheet B - Item 2, should be checked 'yes'. Recommend
approval.

4-7-6
Date

Tim Tomlinson
Name

5271
Phone



SF
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 3/24/06

TO: _____

FROM: ☒ - South County Team ☐ - North County Team ☐ - Coastal Team

PROJECT DESCRIPTION: File Number: DRC2005-00178 Applicant: Watny
mup -> new 3,860 sq ft. SFR located Paso de
Caballo on 1.11 acres, in SLO. APN: 073-333-014

Return this letter with your comments attached no later than: 4/10/06

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☒ YES (Please go on to PART II.)
☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☒ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
☐ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

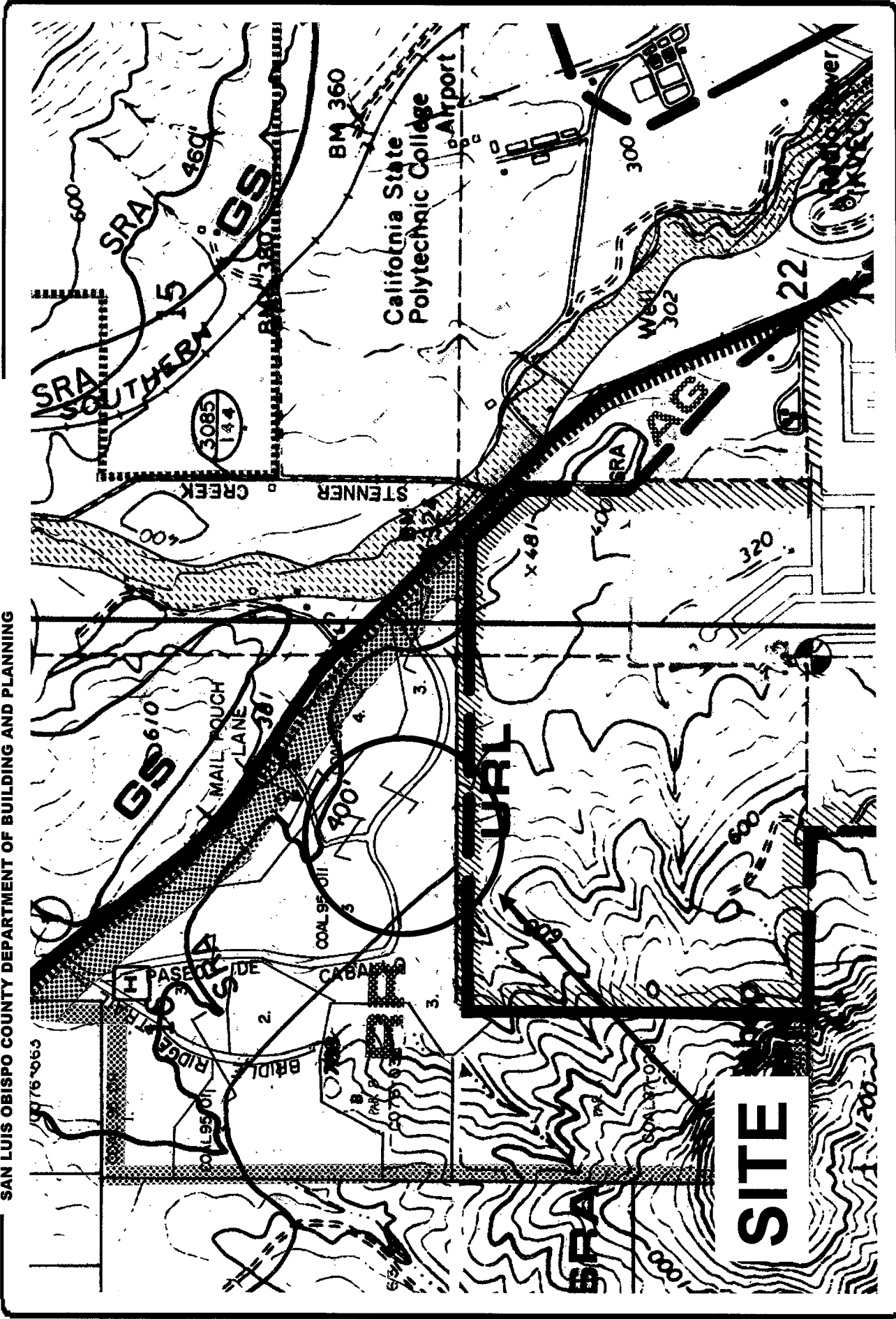
IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Need Perc test. Leach lines must be 200' to Pond
Leach lines may not be placed on slope of more than 20%
without engineering. No leach lines on slope of more than 30%

Date 3/28/06

Name Barry Tolk

Phone 781-5628



PROJECT

Parcel Map

DRC 2005-00178 Watry

EXHIBIT

Land Use Map

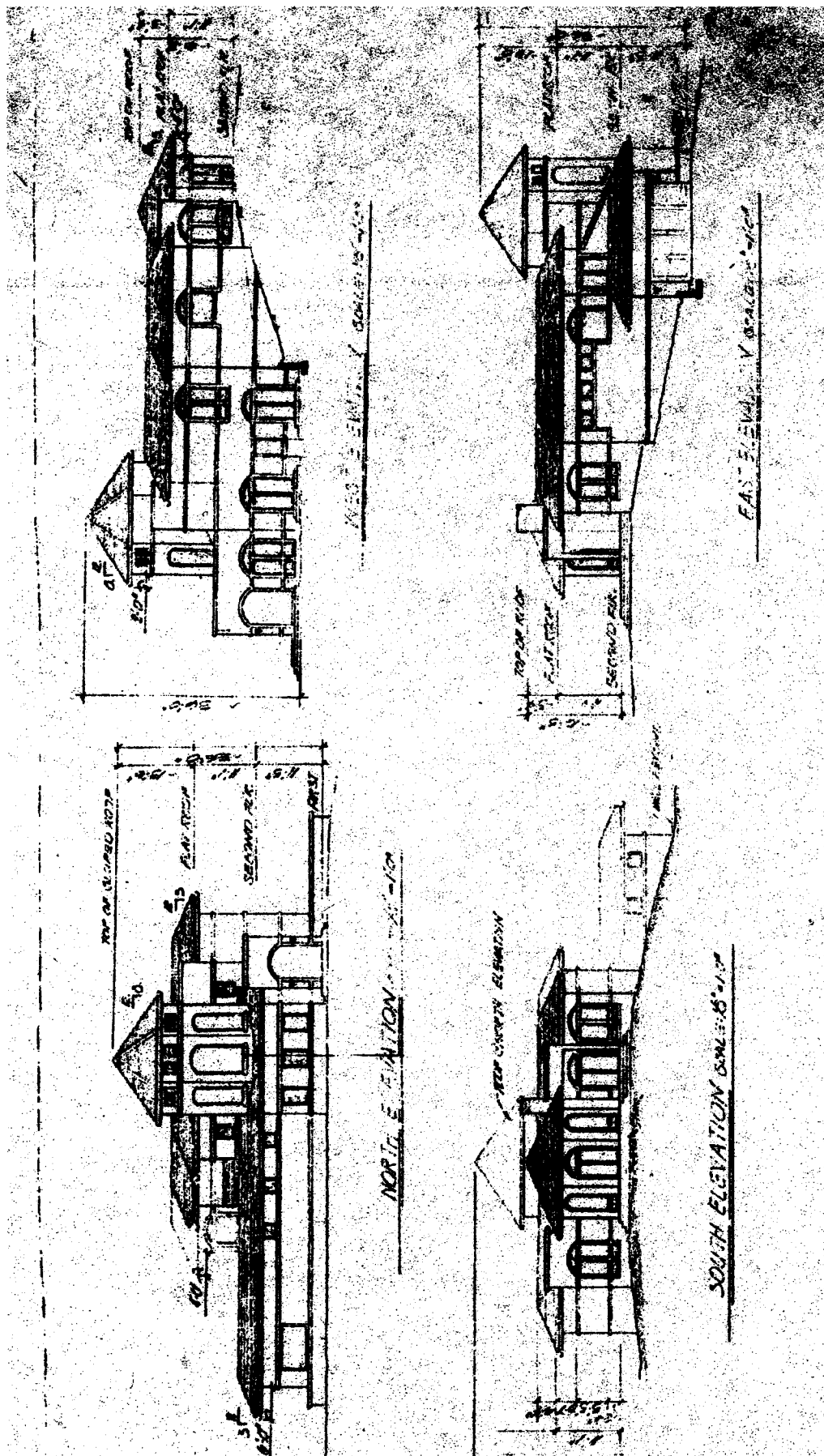
PROJECT

Parcel Map
DRC 2005-00178 Watry

EXHIBIT

Grading and Drainage Plans







PROJECT

Parcel Map
DRC 2005-00178 Watry



EXHIBIT

Aerial Photograph

